LEGISLATIVE ASSEMBLY

FIFTH DAY.

Friday, 1*st September* 1950.

The Assembly met in the Assembly Hall, Old Public Offices, Bangalore, at One of the Clock.

Mr. Speaker (Sri V. Venkatappa) in the Chair.

STARRED QUESTIONS

(to which oral answers were given).

Mr. SPEAKER (Sri V. Venkatappa).—Questions.—Question No. 103.

Ordinances promulgated between the last session and this session of the Assembly.

*Q.—103. **Janab MOHAMED VALIULLA** (Kolar—Muslim).—

Will the Government be pleased to state:—

the Ordinances promulgated by them between the last session and this session of the Assembly?

A.—**Sri K. T. BHASHYAM** (Minister for Law and Labour).—

1. The Betting Tax (Amendment) Ordinance, 1950 (II of 1950).

2. The Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950 (III of 1950).

3. The Mysore Electricity (Taxation on Consumption) Ordinance, 1950 (IV of 1950).

Janab MOHAMED VALIULLA.—If the Assembly had met in May, there would have been no need for promulgating the Ordinances. Why should they not have convened the Assembly in May?

Sri K. T. BHASHYAM.—We do not call a session of the Assembly merely to avoid an Ordinance.

Janab MOHAMED VALIULLA.—Is it the policy of the Government to rule by Ordinance?

Sri K. T. BHASHYAM.—No, it is not.

Steps for setting up a Public Service Commission in Mysore.

*Q.—1. **Sri H. C. LINGA REDDY** (Kolar District—General).—

Will the Government be pleased to state:—

(*a*) the steps so far taken by the Government for the setting up of a Public Service Commission in the State of Mysore after the introduction of the Indian Constitution;

(*b*) the agency that is at present exercising the powers and functions of the Public Service Commission?

A.—**Sri H. SIDDAIYA** (Minister for Revenue and Excise).—

(*a*) The question of the formation of a Public Service Commission for Mysore is under the active consideration of Government.

(*b*) The Public Service Commissioner.

Sri H. C. LINGA REDDY.—It is stated that the formation of a Public Service Commission has been under the active consideration of the Government. For how long, may I know?

*Sri H. SIDDAIYA.—Since six months.

Sri H. C. LINGA REDDY.—Under article 315 of the Constitution, is it not obligatory that a Public Service Commission should be formed?

Sri H. SIDDAIYA.—It is so.

Sri H. C. LINGA REDDY.—May I know the steps that have been set in motion for the formation of the Public Service Commission?

Sri H. SIDDAIYA.—The Mysore Public Service Commission Regulation, 1950, is passed as a preliminary step towards this.

Sri H. C. LINGA REDDY.—Is our State Government in correspondence with the Government of India in this matter?

Sri H. SIDDAIYA.—Yes.

Sri H. C. LINGA REDDY.—May I know the instructions given by the Central States' Ministry?

Sri H. SIDDAIYA.—They are all of a confidential nature.

Sri H. C. LINGA REDDY.—Is it true that a Joint Public Service Commission is being contemplated for Travancore, Cochin, Mysore and some other States?

Sri H. SIDDAIYA.—It is not true.

Sri H. C. LINGA REDDY.—Is it true that there is some difficulty in regard to the appointment of the personnel of the Public Service Commission in our State?

Sri H. SIDDAIYA.—That question is under consideration. That is all I can say.

Sri H. C. LINGA REDDY.—But it is being stated outside that the difficulty of appointing the personnel has given room to this delay. Is it true?

Sri H. SIDDAIYA.—That may not be the reason.

Sri H. C. LINGA REDDY.—The Hon'ble Minister has said that the present Public Service Commissioner is exercising the functions and powers of the Public Service Commission. Is he holding any examinations?

Sri H. SIDDAIYA.—So far he has conducted no examination.

Sri H. C. LINGA REDDY.—What is the basis on which appointments are made by the Public Service Commissioner?

Sri H. SIDDAIYA.—He will call for applications and on the qualifications of the respective applicants, he will decide.

Sri H. C. LINGA REDDY.—How long more will it take to appoint the Public Service commission?

Sri H. SIDDAIYA.—It is in the stage of being constituted.

Sri H. C. LINGA REDDY.—Will the Public Service Commissioner also make appointments to the gazetted rank?

Sri H. SIDDAIYA.—Yes.

Mushir-ul-Mulk J. MAHOMED IMAM (Chitaldrug *cum* Tumkur—Muslim).—Who are the persons that are under the consideration of the Government to be appointed as members of the Public Service Commission?

Sri H. SIDDAIYA.—That is most confidential.

Janab J. MAHOMED IMAM.—At least have the Government laid down any requisite qualifications to be fulfilled for appointing members of the Public Service Commission?

Sri H. SIDDAIYA.—Of course there is article 313 that indicates qualifications among other things.

Janab J. MAHOMED IMAM.—What reasons prevent the Government from taking a speedy decision?

Sri H. SIDDAIYA.—It is stated in the answer that the question is under the active consideration of the Government. It will be done as early as we can.

Janab J. MAHOMED IMAM.—My question was, what are the reasons that caused so much delay, because the Public Service Commission ought to have come into existence on the 26th January 1950 alone?

Sri H. SIDDAIYA.—The Government have felt that so much time is necessary.

Janab J. MAHOMED IMAM.—What is the actual work that has been done till now towards the formation of the Commission?

Sri H. SIDDAIYA.—I have already answered that the Public Service Commission Regulation, 1950, has been passed and further steps are being contemplated.

Janab J. MAHOMED IMAM.—May I know what are the steps taken towards the formation of the Public Service Commission, such as putting in advertisement or calling for applications or anything of that sort?

Sri H. SIDDAIYA.—We have not yet decided that.

Janab J. MAHOMED IMAM.—Have the Government taken any steps at all towards the formation of the Public Service Commission?

Sri H. SIDDAIYA.—Yes.

Janab J. MAHOMED IMAM.—Did the Government consult any persons if they are willing to become members of the Commission?

Sri H. SIDDAIYA.—That is again a matter of confidential nature.

Janab J. MAHOMED IMAM.—Is there any proposal to amalgamate Mysore with any other State in the matter of the formation of the Commission?

Mr. SPEAKER.—That has been answered.

Janab J. MAHOMED IMAM.—Is it not a fact that under the Constitution the existence of a Public Service Commission is quite necessary and obligatory?

Sri H. SIDDAIYA.—Yes, it is admitted.

Janab J. MAHOMED IMAM.—So, is it not a fact that after 26th January 1950, all appointments which have been made hitherto are illegal?

Sri H. SIDDAIYA.—This is a transitory period and during this period the Government have passed an order and it is dated 16th February 1950. The appointments made during this period will not be treated as irregular or illegal.

Janab J. MAHOMED IMAM.—May I know if there is any provision under the Constitution to appoint an interim Commission or an interim Commissioner and if so, what that provision is under the Constitution?

Sri H. SIDDAIYA.—There is no provision. During this period certain things are understood and margin is made for it.

Janab J, MAHOMED IMAM.—Under what provision this Ordinance has been passed entrusting the powers of a Commission to a person?

Sri H. SIDDAIYA.—There is no such provision, but there is a Government Order on the matter.

Janab J. MAHOMED IMAM.—Is not that Order clearly against the provisions of the Constitution and therefore illegal?

Sri H. SIDDAIYA.—It may not be quite irregular, but it is not illegal.

Janab J. MAHOMED IMAM.—Let us know within what time at least this important part of the provision will be fulfilled?

Sri H. SIDDAIYA.—As early as possible.

Janab J. MAHOMED IMAM.—Cannot the Government have a definite time? Will it be over within one month or three months or one year?

Sri H. SIDDAIYA.—I can give an assurance that by the time this august body meets next time, this will be announced.

Janab J. MAHOMED IMAM.—Have the Government laid down any rules for the conduct of the members of the Commission and the principles they have to adopt? Have the Government done at least this preliminary work?

Sri H. SIDDAIYA.—Preliminary work is done and as I have already said, the Mysore Public Service Commission Regulation, 1950, has been passed.

ಶ್ರೀ ಎಚ್. ಎಂ. ಚೆನ್ನಬಸಪ್ಪನವರು (ಮೈಸೂರು ಜಿಲ್ಲೆ).—ಎರಡು ಮೂರು ಸಂಸ್ಥಾನಗಳನ್ನು ಒಟ್ಟಾಗಿ ಸೇರಿಸಿ ಅವುಗಳೆಲ್ಲಕ್ಕೂ ಒಂದು ಪಬ್ಲಿಕ್ ಸರ್ವೀಸ್ ಕಮಿಷನ್ ನೇಮಕ ಮಾಡುವ ವಿಚಾರದಲ್ಲಿ ಶಾಸನಸಭೆಗಳ ಅಭಿಪ್ರಾಯವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದು ಅನುಚಿತವಲ್ಲವೇ?

ಶ್ರೀ ಎಚ್. ಸಿದ್ದಯ್ಯನವರು.—ಆ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುವುದಿಲ್ಲ.

Appointment of a Public Service Commission in Mysore.

*Q.—57. **Sri M. V. KRISHNAPPA** (Kolar District—General).—

Will the Government be pleased to state:—

(*a*) whether they are thinking of appointing a Public Service Commission;

(*b*) if so, when?

A.—**Sri H. SIDDAIYA** (Minister for Revenue and Excise).—(*a*) and (*b*) This question is under the active consideration of Government.

Sri M. V. KRISHNAPPA.—Are there any other States of the Indian Union where Public Services Commissions have not been formed?

***Sri H. SIDDAIYA.**—I want notice.

Sri M. V. KRISHNAPPA.—Are we to take it for granted that the Government are definitely going to form the Commission?

Sri H. SIDDAIYA.—Most certainly.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡರು (ತುಮಕೂರು ಜಿಲ್ಲೆ).—ಫೆಬ್ರುವರಿ 15ರಲ್ಲಿ ಹೊರಡಿಸಿರುವ ಸರ್ಕಾರಿ ಆರ್ಡರಿನಲ್ಲಿ ತಕ್ಷಣ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ನೇಮಕ ಮಾಡುವುದಾಗಿ ತಿಳಿಸಿಲ್ಲವೆ?

ಶ್ರೀ ಎಚ್. ಸಿದ್ದಯ್ಯನವರು.—ಇಲ್ಲ. If the Hon'ble Member wants it, I shall read it out: "pending orders of the